

REMARKS/ARGUMENTS

Applicants have received the Office Action dated November 7, 2008, in which the Examiner: 1) objected to the specification (trademark usage and Abstract); 2) rejected claims 1-4 and 19-20 as directed to non-statutory subject matter; and 3) rejected claims 1-20 under 35 U.S.C. § 103(a) as obvious over Dauerer (U.S. Pat. No. 5,627,967) in view of Noy (U.S. Pat. No. 6,539,540). With this Response, Applicants have amended claims 1 and 18. Based on the following arguments, Applicants believe this case to be in condition for allowance.

I. SPECIFICATION

The Examiner requested that usage of the terms WINDOWS and ORACLE be capitalized. Amendments to the specification have been made in this regard.

Also, Applicants include herewith a clean copy of the Abstract on a separate page as requested by the Examiner.

II. SECTION 101 REJECTIONS

The Examiner alleges that claims 1-4 and 19-20 are pure software. Applicants disagree. The claims contain limitations written in a “means plus function” format. Per 35 U.S.C. § 112, sixth paragraph, such limitations are limited to the structures, and equivalents, disclosed in the specification. The relevant structures disclosed in Applicants’ specification for performing the claimed functions include a computer-readable medium containing software that is executed on a computer. See e.g., Disclosure p. 8-9. As one of ordinary skill would understand, software alone is incapable of performing any functions, much less the functions of claims 1-4 and 19-20. The software must be executed (e.g., by a computer) to perform a function.

III. ART REJECTIONS

Amended claim 1 requires a service node to contain a user access list that specifies which users have accessed the service node. A database is also required for maintaining an authorized access list for the service node. The authorized access list specifies which users are authorized to access the service node. Claim 1 further requires “a data communication means for...retrieving a

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user access list from said agent.” The user access list retrieved from the agent is then, per the claim, compared to an “authorized access list” to detect unauthorized accesses.

Dauerer’s Figure 1 shows a primary network node CPU 16 that manages and accesses a master file 12. Figure 1 also shows a network node 14. The Examiner presumably analogizes Dauerer’s network node 14 to the claimed service node. However, Dauerer does not teach or even suggest that the network node contains a user access list of users that have accessed that node.

Further, claim 1 requires the service node to contain an agent is accessed by the data communication means to retrieve the user access list. Applicants find no mention in Dauerer of such an agent.

Further still, Applicants have amended claim 1 to clarify another point of distinction of the cited art. Claim 1 requires the data processing means to detect unauthorized access to the service node by comparing the user access list to the authorized access list. The Examiner pointed to Dauerer at col. 7 line 55 as allegedly teaching the claimed comparison. However, that passage of Dauerer teaches comparing a new list against the previous version of that list. The comparison is not for the purpose of detecting unauthorized access to the network node 14. Further, the comparison is not between a list of users that have actually accessed the node 14 and a list of users that are authorized to access the node 14.

Noy does not satisfy the preceding deficiencies of Dauerer. The Examiner used Noy (citing col. 1 lines 30-32) for allegedly teaching periodically polling an agent in a service node to retrieve a user access list. Noy says that “an SNMP manager will periodically poll an agent in order to detect changes in the MIB information for a particular network device.” Col. 1 lines 30-32. Applicants do not find any teaching in Noy as to what sort of changes in MIB information are to be detected by polling the agent. The cited passage of Noy does not teach or even suggest retrieving a user access list from an agent. Thus, none of the art of record teaches a means for retrieving a user access list from an agent.

For at least these reasons, claim 1 and all claims dependent thereon are in condition for allowance over Dauerer in view of Noy.

Claim 5 requires retrieving a user access list from a service node. The Examiner concedes Dauerer lacks this limitation, and, as explained above, Noy also lacks this limitation. Claim 5 also requires “determining if an access to said service node was unauthorized based on comparing said user access list to the authorized access list.” As explained above, Dauerer lacks such a comparison. Further still, Dauerer lacks a service node having an agent and user access list as required by claim 5. For at least these reasons, claim 5 is allowable over the cited art.

Dependent claim 6 requires updating the authorized access list based on said user access list retrieved from the service node. Dauerer lacks any teaching whatsoever of updating a user access list “based on said user access list retrieved from said service node.” While Dauerer may teach updating the master list, such an update is not based on a user access list retrieved from the network node 14.

Claim 13 is patentable for some or all of the same reasons specified above. All claims dependent on claim 13 thus are also in condition for allowance.

Claim 18 has been amended to clarify what is meant by the user access and authorization lists. For some or all of the reasons expressed above regarding claim 1, Applicants respectfully submit that claim 18 is in condition for allowance.

CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

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Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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